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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,739	12/12/2000	Shantanu Sarkar	062891.0500	7468
5073	7590	05/31/2006	EXAMINER	
BAKER BOTTS L.L.P.			HOM, SHICK C	
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SUITE 600			ART UNIT	
DALLAS, TX 75201-2980			PAPER NUMBER	
			2616	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/735,739	<b>Applicant(s)</b> SARKAR ET AL.	
	<b>Examiner</b> Shick C. Horn	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-13, 16-27 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-13, 16-27 and 29-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 3/13/06 have been fully considered but they are not persuasive.

In pages 11-12 of the remarks, applicant argued that Hild and Korpi do not teach "communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder" and "selecting the transcoder based on priority" are not persuasive because Hild in col. 2 lines 14-20 which recite receiving a set of characteristics whereby a transcoder is selected from the set of transcoders based on the best match to the set of characteristics content clearly reads on communicating protocol capabilities of at least one transcoder and specifically the selection being based upon best match clearly reads on selecting the transcoder based on priority because the best match transcoder is given selection precedence or priority.

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, 10, 16, 23, 25, 30, 34-37, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hild et al. (6,965,947) in view of Korpi et al. (6,785,223).

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Regarding claims 1, 16, 23, 30, 34-36, and 38-40:

Hild et al. disclose a method for establishing a call with a station using a transcoder, comprising: communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder; determining whether the protocol capability of the transcoder matches the protocol capability of the station; selecting the transcoder from a plurality of transcoders based on a priority; initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder; and initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcoder (see Fig. 6 and col. 5 line 49 to col. 6 line 28 which recite the step of receiving a request from a client identifying the content and parameters desired by the client for selection of a transcoder, the step of determining whether a transcoder matching these parameters is present, the step of selecting the transcoder using a hierarchical search to look for the most specific transcoder available for the request, and the step of using the transcoder for translating the content clearly anticipate the method for establishing a call using a transcoder and the steps of selecting the transcoder); further,

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Hild et al. disclose storing protocol capabilities in a plurality of entries in a memory, each entry corresponding to a remotely located transcoder and specifying an address of the transcoder and at least one protocol capability of the transcoder (see col. 4 lines 47-67 which recite the use of the content database and a transcoder table for identifying and selection of the transcoder).

For claims 1, 3, 10, 16, 23, 25, 30, 34-37, and 38-40, Hild et al. disclose all the subject matter of the claimed invention with the exception of the use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol.

Korpi et al. from the same or similar fields of endeavor teach that it is known to provide the use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol (see the abstract which recite the use of a supervisory link and the media connection between the terminals in an H.323 network clearly anticipate the first link, the second link and use of H.323 signaling protocol, respectively). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the use of a first link to establish the call and a second link to enable media

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exchange using the transcoder and the use of H.323 signaling protocol as taught by Korpi et al. in the communications method and apparatus of Hild et al. The use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol can be implemented by providing and connecting the supervisory link and use of H.323 signaling protocol of Korpi et al. to the terminals of Hild et al. The motivation for provide the use of a first link to establish the call, i.e. the supervisory link, and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol as taught by Korpi et al. in the communication method and apparatus of Hild et al. being that it provides more efficiency and reliability for the system since the system can use the supervisory link to re-establish a connection that have gone down and the desirable added feature of using a standard protocol in the system.

5. Claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hild et al. (6,965,947) and Korpi et al. (6,785,223) in view of Eastep et al. (6,731,625).

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For claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33, Hild et al. and Korpi et al. disclose the device and method described in paragraph 5 of this office action. For claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33, Hild et al. and Korpi et al. disclose all the subject matter of the claimed invention with the exception of wherein communicating protocol capabilities is performed using a peer-to-peer signaling protocol as in claims 2, 9, 21, 24, 31; wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol as in claims 7, 13, 29, 33; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station as in claims 4, 11, 17, 26, 32; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier as in claims 5, 12, 18, 27; wherein establishing a second link comprises receiving a transfer notification having the session identifier as in claim 19; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding



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second information received from the second link for communication to the first link as in claim 20.

Eastep et al. from the same or similar fields of endeavor teach that it is known to provide communicating protocol capabilities being performed using a peer-to-peer signaling protocol (see col. 54 lines 3-19 which recite the peer-to-peer protocol); wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol (see col. 88 lines 26-32 the voice compression protocol); wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier (see col. 397 lines 11-31 which recite the session including an identifier); wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link (see

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col. 104 lines 3-32 which recite the use of ID to establish the connection). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide communicating protocol capabilities being performed using a peer-to-peer signaling protocol; wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier; wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link as taught by Eastep et al. in the device and method of Hild et al. and Korpi et al. The communicating protocol capabilities being performed using a peer-to-peer signaling protocol; wherein media comprises

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voice information and the protocol capability of the transcoder comprises a voice compression protocol; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier; wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link can be implemented by using the peer-to-peer protocol, session identifier, the voice compression protocol for call setup request of Eastep et al. in the device and method for communication of Hild et al. and Korpi et al. The motivation for using the peer-to-peer protocol, session identifier, the voice compression protocol for call setup request as taught by Eastep et al. in the communication device of method of Hild et al. and Korpi et al. being that it provides the added feature of providing support for internet telephony.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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